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Held at Headquarters, New York,
on Tuesday, 25 March 1997, at 10 a.m.

Chairperson: Mrs. CHANET

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Second periodic report of Bolivia (CCPR/C/63/Add.4)

1. At the invitation of the Chairperson, Ms. Ledezma and Ms. Saucedo Paz (Bolivia) took places at the Committee table.

2. Ms. SAUCEDO PAZ (Bolivia) said that her Government was currently completing a process of constitutional reform designed to strengthen the rule of law and ensure the full enjoyment of individual and collective rights.

3. In the judicial sphere, there had until recently been a serious problem of delays in the administration of justice, which had led to a loss of confidence in the judicial system and a complete absence of judicial security. Periods of pre-trial detention had lasted indefinitely, in violation of procedural guarantees and the constitutional rights of detained persons. When the Act Abolishing Imprisonment and Physical Constraint for Enforcement of Economic Obligations (Debtors' Act) had been promulgated on 15 December 1994, the immediate result had been the release of 10 per cent of the prison population. The Pardons Act for Minor and Elderly Prisoners had been promulgated on 19 December 1995, with a view to ensuring the release and rehabilitation of such persons while protecting public order and tranquillity. The Act had benefited 59 people. The Domestic Violence Act, adopted in December 1995, had brought Bolivia into line with the Convention on the Elimination of All Forms of Discrimination against Women. On 2 February 1996, the Oath of Compliance Act had been passed, enabling poor people to gain release from pre-trial detention as long as they took an oath to comply with their procedural obligations. The objective was to avoid delays in the administration of justice, as well as situations in which a person was imprisoned for several years awaiting trial and then found innocent or held for longer than the prison term eventually stipulated in the sentence. The Act was designed to give full effect to the principles of presumption of innocence and equality of persons before the law; it also amended unconstitutional aspects of the Coca and Controlled Substances Regime Act. As a result of the Act, about 30 per cent of the prison population had been released and the percentage of unconvicted prisoners had fallen from 91 per cent to 59 per cent, the second lowest percentage in Latin America.

4. Those reforms had been accompanied by implementing machinery, including the public defence programme, restructured in 1995, which provided free legal aid to poor people in defending their rights at all steps of criminal proceedings. The effectiveness of the programme was illustrated by the 48,000 cases processed and 27,000 releases obtained since 1994. The programme had been extended to rural areas in a pilot project, and to Chapare, an area where there were problems of illicit coca production. A human rights office had also been established in the Chapare area to protect and promote the rights of the local inhabitants.

5. In Supreme Decree No. 24355 of 23 August 1996, the Government had declared the care and protection of elderly persons through public policies and legal

norms to be a national priority. A national programme to support and protect the elderly in the areas of health, education, legal aid and social services was being established.

6. The amendments to the Penal Code, in force since 10 March 1997, consolidated the rule of law and guaranteed the constitutional rights of all persons. A provision of the earlier Code, whereby jungle Indians could not be prosecuted for illegal acts on the grounds that they were incapable of understanding that such acts were against the law, had been reformulated, thereby eliminating discrimination against jungle Indians and establishing the right to cultural diversity and to equality. The list of criminal penalties had been amended to eliminate the death penalty. The conversion of fines to prison terms had been abolished, since it represented an unreasonable burden for those who could not afford to pay fines. That amendment extended to special laws, such as the law on drug trafficking.

7. A booklet entitled My Human Rights, summarizing in simple language the constitutional rights and guarantees and the obligations of citizens, had been disseminated in prisons, in areas of potential human rights violations such as Chapare and to the population at large, through the public defence offices and human rights offices.

8. Bolivia's multi-ethnic nature was recognized in the Constitution and protection of the rights of indigenous people was being incorporated into the reformed Code of Penal Procedure, which provided for the application of customary law as long as it did not impinge on constitutional rights and guarantees, different procedures for trying crimes involving indigenous people and different penalties, giving preference to penalties other then imprisonment.

Part I of the list of issues

Issue 1: State of siege (article 4 of the Covenant)

9. The CHAIRPERSON read out the content of issue 1, regarding the laws and regulations governing the proclamation of and the legal regime applicable during a state of siege; the nature of the states of siege proclaimed during the reporting period and their impact on the exercise of fundamental rights; safeguards and remedies available to individuals during those periods; and any derogations made to the exercise of the rights enumerated in article 4, paragraph 2, of the Covenant.

10. Ms. SAUCEDO PAZ (Bolivia) said that article 111 of the Constitution established the grounds for declaring a state of siege and the procedures to be followed. A state of siege had been declared in April 1996 because trade union leaders and political groups had been undermining public order and security. In April 1995, the National Congress had approved a state of siege because of acts of violence and aggression in connection with drug control activities, and in July 1995 that state of siege had been extended by 90 days throughout the territory by supreme decree. The Human Rights Committee of the Chamber of Deputies had drawn up a detailed report on the actions of the executive branch pursuant to the state of siege in terms of respect for human rights, and had recommended that the Chamber of Deputies should require the Government

authorities, especially the Ministry of the Interior and the National Police, to supply information for its investigations. The report had just been approved by the National Congress.

11. Following the declaration of a state of siege, the executive branch could increase the size of the armed forces and call in reserves, and also increase taxation, and the legislature could issue orders of arrest. The rights and guarantees laid down in the Constitution were not automatically suspended during states of siege, but they could be suspended with respect to specified persons charged with conspiring against public order. Censorship could be imposed in case of war. Expulsions were prohibited under the Constitution, but detained or arrested persons who wished to leave the country had to be permitted to do so. After the lifting of a state of siege, persons who had carried out orders which violated constitutional guarantees during the state of siege could be prosecuted and could not argue that they had been obeying the orders of superiors.

Issue 2: Use of weapons by the police (article 6 of the Covenant)

12. The CHAIRPERSON read out the content of issue 2, requesting information on the rules and regulations governing the use of weapons by members of the police, including the Special Anti-Narcotics Force and the Mobile Rural Patrol Unit, any infringements of those rules and regulations during the reporting period and, if so, any measures taken against those found guilty and action taken to prevent their recurrence; and any training programme for law enforcement officials on the provisions of the Covenant and of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

13. Ms. SAUCEDO PAZ (Bolivia) said that, during the period of dictatorship prior to October 1982, the police had used force indiscriminately. Police prosecution bodies had been eliminated by supreme decree in November 1982 and the Ministry of the Interior had been given responsibility for police operations. The use of force by the police was regulated by article 215 of the Constitution and by article 55 (c) of the National Police Act, which provided that the police had a fundamental obligation to protect human rights and human dignity. The use of weapons was regulated by articles 56 to 58 of the Act. Investigations were required in cases of death or injury. Members of the Special Anti-Narcotics Force reported to the Ministry of the Interior and were subject to the same rules and regulations. Bolivia was considering the possibility of transferring the judicial police and the prison system from the Ministry of the Interior to the Ministry of Justice.

Issue 3: Death penalty (article 6 of the Covenant)

14. The CHAIRPERSON read out the content of issue 3, regarding steps taken to repeal or amend articles 109, 252 and 253 of the Penal Code to bring it into line with article 7 of the Constitution.

15. Ms. SAUCEDO PAZ (Bolivia) said that the 10 March 1997 amendments to the Penal Code had eliminated the death penalty, providing 30 years' imprisonment, with no possibility of commutation, for crimes previously subject to the death penalty. At the same time, article 320 of the Code of Penal Procedure, which had established the procedural framework for the application of the death

penalty, had been repealed. Over the past century, there had been fewer than 10 cases of the application of the death penalty and the last execution had been in 1974. Bolivia was a party to the second Optional Protocol to the International Covenant on Civil and Political Rights and to the American Convention on Human Rights. Thus, although the current Constitution did not specifically provide for the abolition of the death penalty, Bolivia had clearly taken a position in favour of abolition.

Issue 4: Torture, extrajudicial executions, disappearances and arbitrary arrest and detention (articles 6, 7, 9 and 10 of the Covenant)

Issue 7: Prohibition of torture (article 7 of the Covenant)

16. The CHAIRPERSON read out the content of the issue 4, requesting information on complaints of disappearance, extrajudicial execution, torture or other inhuman or degrading treatment or punishment; arbitrary arrest or detention by the police or other security forces; any investigation or prosecution carried out or any action taken to punish those found guilty or compensate the victims; and measures taken to deal with the report of the parliamentary commission which was investigating cases of torture by the police; and issue 7, requesting information on whether confessions or testimony obtained under duress could be used in court proceedings and whether elements of proof inadmissible under ordinary circumstances could be used under the Coca and Controlled Substances Regime Act No. 1008.

17. Ms. LEDEZMA said that torture was prohibited under article 12 of the Constitution. Complaints of human rights violations were investigated by various State bodies, especially the Ministry of Justice, the Human Rights Committee of the Chamber of Deputies, the Attorney General's Office and the Ombudsman's Office. In cases where evidence of torture had been found, criminal prosecutions had been conducted, and in some cases police officers found guilty of torture had been dismissed or transferred to other functions. The reformed Code of Penal Procedure clearly prohibited all forms of torture and established that evidence obtained through torture was null and void and could not be used as grounds for conviction.

18. Ms. SAUCEDO PAZ (Bolivia) said that the Government had recognized that certain aspects of Act No. 1008 were unconstitutional and violated the fundamental rights of accused persons, who in some cases had remained in pre-trial detention for extremely long periods. That had constituted a violation of the right to presumption of innocence. However, as a result of recent legislative changes, a person detained pending trial would henceforth be released automatically if 18 months elapsed without a decision being reached by the court of first instance. A recent amendment had abolished the anachronistic and abusive legal procedure whereby the judge of first instance frequently consulted the Supreme Court of Justice during legal proceedings. Another change introduced in connection with Act No. 1008 had restored the independence of judges, who previously had been obliged to comply with directives from the prosecution. For example, in some cases judges had been forced to bring legal proceedings against an accused person despite the absence of convincing evidence. The Government was also aware that there had been numerous complaints of physical violence against persons accused of narcotics offences.

19. Measures had been introduced to provide legal aid for accused persons who could not afford a lawyer. A pilot project was also under way in the department of Cochabamba, where a number of human rights offices had been set up, each staffed by a doctor and a lawyer, which coordinated their activities with public defence offices. Lastly, evidence obtained through the use of torture and coercion was inadmissible.

Issue 5: Liberty and security of person (articles 9 and 10 of the Covenant)

Issue 6: Corporal punishment (article 7 of the Covenant)

20. The CHAIRPERSON read out the content of issue 5, requesting information on the implementation of article 9, paragraphs 1 and 3, of the Covenant, and on remedies available in accordance with article 9, paragraph 4; and of issue 6, regarding information on the possibility of condemning a person to corporal punishment.

21. Ms. LEDEZMA (Bolivia) said that the Act Abolishing Imprisonment and Physical Constraint for Enforcement of Economic Obligations (Debtors' Act) and the Oath of Compliance Act designed to prevent delays in the administration of justice, passed in November 1994 and February 1996 respectively, had radically altered the regime of precautionary measures. Under the Debtors' Act, persons who had completed prison terms were released even if they had not paid civil compensation. The time limits established by the Oath of Compliance Act for pre-trial detention ensured that persons who were unable to raise bail could be released, unless there was a risk of flight or obstruction of investigations. Previously, persons accused of crimes for which the penalty was more than four years' imprisonment had been imprisoned if they could not raise bail. The restrictions on pre-trial detention were specified even more clearly in the reformed Code of Penal Procedure, which also established alternative penalties such as house arrest or territorial restrictions. Persons detained illegally could apply for release through the courts; if the judge did not grant a hearing, the case was automatically settled in favour of the detainee.

Issue 8: Conditions of detention (article 10 of the Covenant)

22. The CHAIRPERSON read out the content of issue 8, concerning measures taken to improve prison conditions; procedures available for receiving and investigating complaints of abuse against detainees; and arrangements for the independent supervision of prisons.

23. Ms. SAUCEDO PAZ (Bolivia) said that the prison system had many defects and that efforts were being made to amend the relevant laws in order to protect the rights of detainees, including their right to presumption of innocence. In an effort to improve prison conditions, new prisons were being built in a number of areas. The Government had succeeded in reducing the prison population by about 50 per cent through measures such as the Pardons Act for Minor and Elderly Prisoners. Efforts were being made to protect the physical, psychological and emotional development of juvenile detainees, and the law had been changed to ensure that accused persons under 18 years of age could be placed in pre-trial detention only if they were accused of an offence for which the sentence was at least five years or if there were other exceptional circumstances.

24. Efforts to introduce a prisoner rehabilitation system were being impeded by a lack of financial resources, as was the separation of juvenile and adult prisoners. Non-governmental organizations played a major role in prison rehabilitation and training programmes, and the Ministry of Justice had introduced an initiative to improve prisoners' awareness of their rights, with the help of public defence officers.

25. Ms. LEDEZMA (Bolivia) said that an agreement had recently been reached between the Government and the International Committee of the Red Cross allowing Red Cross representatives to visit prisons and make recommendations to the Government. There were also plans to appoint a Judicial Inspector to oversee the prison system and protect the rights of prisoners; that Inspector would receive any complaints of human rights violations within the prison system. Efforts were also being made to reduce the number of prison sentences by applying alternative penalties and suspended sentences.

Issue 9: Non-discrimination (articles 2 (1) and 26 of the Covenant)

26. The CHAIRPERSON read out the content of issue 9, concerning non-discrimination with respect to indigenous populations and the black minority and restrictions on access to certain public functions.

27. Ms. SAUCEDO PAZ (Bolivia) said that article 1 of the Constitution provided the legal basis for non-discrimination against the country's large indigenous population. Members of indigenous groups were entitled to recognition of their dual status as Bolivian citizens and as members of those groups. They also had the right of access to public service, to vote and be elected, and to take part in the conduct of public affairs at all levels. The progress made in that area was reflected in the fact that the country's current Vice-President was a member of an indigenous group and that other members of indigenous groups, including a woman, were running as candidates for the office of Vice-President in the forthcoming presidential elections.

28. Ms. LEDEZMA (Bolivia) said that a new government office had been established with responsibility for ethnic and gender issues and issues concerning young people. Efforts would be made to mainstream gender issues in government policy and to promote women's participation in decision-making. The recent educational reform had incorporated a gender perspective into education policy and had also provided for bilingual education in Spanish and indigenous languages. The reform had also provided for the promotion of indigenous cultural values.

Issue 10: Gender equality (article 3 of the Covenant)

29. The CHAIRPERSON read out the content of issue 10, concerning measures to enhance the status of women, particularly those belonging to indigenous communities, and to combat and prevent violence, including domestic violence, against women; and data on women's participation in the political, economic, social and cultural life of the country.

30. Ms. SAUCEDO PAZ (Bolivia) said that recent measures for the advancement of women, particularly indigenous women, included an agrarian law reform intended

to promote equality in the ownership and use of land and an educational reform designed to promote equal rights and opportunities, encourage the full educational development of both sexes and enhance women's participation at all levels of society. Improved opportunities and quality of life for women in peasant and indigenous communities were particularly important. Major steps had also been taken to protect women and children from domestic violence and to punish those found guilty of such violence. Government policy also included the provision of comprehensive legal services for the protection of the family and the incorporation of a gender perspective into the human development programme for 1996-1997.

31. In 1994, women had accounted for 8.3 per cent of local councillors and 11 per cent of district education directors. In the same year, 39 per cent of the country's gross domestic product had been generated by women. Women's participation in economic activity had increased from 22.5 per cent in 1976 to 39.9 per cent in 1992. Women accounted for 52 per cent of public defence lawyers. Under a law promulgated in March 1997, at least 30 per cent of candidates on electoral lists for multi-member constituencies must be women.

32. Within the framework of the Beijing Platform for Action, Bolivia's First Lady had helped to draw up a national plan to promote equal participation by women at all levels of decision-making.

Issue 11: Rights of persons belonging to minorities (article 27 of the Covenant)

33. The CHAIRPERSON read out the content of issue 11, requesting information on how the system of proportional representation ensured the representation of indigenous populations in Congress and other elected bodies and in the administration; and on the impact of Supreme Decrees 22609 to 22612 on the situation of indigenous groups.

34. Ms. SAUCEDO PAZ (Bolivia), referring to paragraphs 100 to 104 of the report, recalled that indigenous groups constituted a majority of the population. Areas set aside for their exclusive use included a new national park in eastern Bolivia, created in September 1995, covering more than 13 million hectares and administered by a traditional indigenous body.

35. Although the Constitution stated that the distribution of parliamentary seats for each department, based on the number of inhabitants, must be proportional to the number of votes obtained by each party, there was no specific provision for the electoral representation of indigenous groups. However, those groups were increasingly consolidating their role in public life.

36. Ms. LEDEZMA (Bolivia) said that agrarian reform was very important for indigenous groups. Recent legislation had provided for collective ownership of land, reflecting traditional indigenous ways of sharing property and resources.

37. Work was currently in hand on a bill to recognize traditional systems of justice in indigenous communities. That would lead to the existence of a parallel judicial structure, which would be supervised by a special judge to ensure that its functioning did not violate human rights.

Issue 12: Prohibition of forced labour (article 8 of the Covenant)

38. The CHAIRPERSON read out the content of issue 12, requesting information on the practice of criadito service, on measures to combat that practice or to prevent abuses during the indenture period; and on the exploitation of the work of members of the Guaraní people in the agricultural sector.

39. Ms. LEDEZMA (Bolivia) said that the Government had taken action to improve the situation regarding the practice of criadito service and that new legislation was being drafted so that domestic work could be covered by the same labour laws and social protection as other employment. A parliamentary commission had been established to investigate complaints that some Guaraní people were working in conditions of semi-slavery in the agricultural sector, and the case had been passed on to the prosecuting authorities for action.

40. Although community work existed as an alternative to imprisonment, it could not be imposed without the consent of the convicted person. Forced labour was illegal and the Penal Code did not recognize any form of servitude or slavery; any such cases were investigated and prosecuted accordingly. The Ministry of Justice was trying to obtain international funding for the establishment of local human rights offices in areas particularly affected by the problem.

Issue 13: Employment of minors (article 24 of the Covenant)

41. The CHAIRPERSON read out the content of issue 13, concerning the law and practice, as well as any monitoring mechanisms, relating to the employment of minors; and measures to combat and prevent the economic exploitation of children.

42. Ms. LEDEZMA (Bolivia) said that there were structural economic reasons for the existence of child labour in Bolivia. Considerable numbers of people had great difficulty in satisfying their most basic economic needs.

43. There were two conflicting approaches to the problem: one held that child labour should be completely abolished, while the other argued that abolition as an end in itself would be a mistake and that the aim should be to protect children from the most serious consequences of child labour by means of an integrated social and economic development policy. It had been pointed out that legislation, rather than achieving the abolition of child labour, would only drive it underground, leading to even greater hardship. In any case, Bolivia did not have the resources to implement such a measure. It was preferable to ensure that child workers were protected by an appropriate legal structure that guaranteed decent working conditions and social security coverage, and to work for a gradual improvement in the situation, particularly in respect of children aged under 12. There was also a need to reconcile children's right to education with the country's economic realities. A draft code for children and adolescents, incorporating a number of transitional measures, was being prepared with the help of various of organizations, including the United Nations Children's Fund.

44. Mr. PRADO VALLEJO, noting that the Bolivian report was sincere and did not try to conceal existing problems, welcomed the enormous progress made by the

Government in the area of human rights. In that connection, he regretted that Bolivia's request to the Centre for Human Rights for assistance in human rights matters, especially in the preparation of its report, had not received a favourable response. Referring to the declaration of state of siege, he noted that since Bolivian law did not specify what guarantees could be suspended thereunder, such declarations were unacceptable in the context of article 4 of the Covenant. He wondered whether proper procedures had been used in investigating summary executions, whether the parties involved had been duly punished and whether the victims had been compensated. Lastly, the fact that nearly all prisoners in Bolivian jails were held incommunicado ran counter to human rights norms and to the provisions of the Covenant.

45. Excessive force and violence had been used by the police in efforts to eradicate the planting of coca leaves, yet no action had been taken against those responsible. Although some positive changes had been made in Bolivian legislation, there were still some gaps, especially in Act No. 1008, which must be remedied in order to provide protection for farmers and peasants and the population at large. Coca leaf production could not be halted by force; substitute crops should be planted instead. In that regard, he wondered whether any investigations had been carried out into the deaths of two indigenous leaders and what the outcome had been.

46. He requested more information on the events of September 1996, when some 12,000 peasants had travelled to La Paz to protest against the Government's agrarian reform programme. Many deaths and injuries as a result of police brutality had occurred. When Bolivian trade unions had demonstrated peacefully in defence of their rights, the police had again reacted violently. In his view, a very clear limitation existed on the right to freedom of expression through peaceful demonstration. Bolivia must change its practices in that regard.

47. In a confrontation between miners and the police in Potosi, 8 people had died, 30 had been injured and 28 had disappeared. He wished to know whether those cases had been investigated and what the outcome, if any, had been.

48. As far as freedom of religion was concerned, there seemed to be special guarantees for Catholicism, but not for other religions. In the armed forces for example, Catholics were allowed to practice their religion but members of other religions were not. That clearly violated the provisions of the Covenant, and he would appreciate more information on the issue. Because acts of discrimination were not characterized as such under Bolivian criminal law, discrimination persisted, particularly with respect to indigenous communities. The authorities must address that issue as a matter of urgency.

49. Ms. MEDINA QUIROGA, noting the enormous progress made in legislative reform in Bolivia, asked about the procedures for the investigation of cases of torture and how individuals were protected against torture during pre-trial detention. She also wished to know what body was responsible for investigating and monitoring complaints of torture and whether torture victims were compensated. In her view, due process did not exist. The measures taken recently were still not enough to bring Bolivia fully into compliance with the provisions of the

Covenant. Moreover, pre-trial detention legislation had gaps and did not conform to the Covenant's provisions.

50. As far as non-discrimination was concerned, the representatives of Bolivia should indicate what action the Government was taking to train the police and civil servants in the area of gender sensitivity and especially cultural sensitivity, which in her experience was a particularly difficult issue.

51. Lord COLVILLE asked who took the initiative of releasing detainees under the Oath of Compliance Act and whether the courts took into account the length of time spent in detention and the circumstances of such detention in ordering a person's release. The representatives of Bolivia should indicate whether the prison service brought such cases before a judge. As far as the risk of flight was concerned, he did not believe that a repressive regime was required to prevent people from evading criminal proceedings. The Bolivian authorities should address that issue seriously.

52. He asked when, and in what circumstances, a person who had been arrested was given access to a lawyer and how and when such persons were informed of their rights.

53. Ms. EVATT said that it was clear from Bolivia's very frank report that the Government was committed to bringing about changes in the legal system. Unless the rule of law was carefully upheld in the war against drug trafficking, human rights violations would continue. In that regard, she wished to know at what point the state of siege of 18 April 1995 had been declared and what individual human rights had been suspended thereunder. Information should be provided on the number of persons arrested and charged on grounds of conspiring against public order and on the suspension of their rights. The representatives of Bolivia should indicate whether individual arrest warrants had been issued in each case and whether arrested persons had been brought before a judge within 48 hours, as required by law. Noting that the legal basis for declaring a state of siege was the existence of "grave danger", she asked whether the 1995 state of siege had ever been challenged in court and whether any of the nearly 400 people arrested had ever been convicted of an offence in relation to those events.

54. Specific examples of prosecution and conviction for torture or other abuses covered by issue 4 should be provided. On issue 5, she asked whether, under Act No. 1008, release pending trial was still precluded for most people arrested in connection with drug offences and what action was being taken to ensure that the 48-hour rule was respected.

55. Bolivia's representatives should indicate what steps were being taken to protect women from unwanted pregnancies and from the high maternal mortality risk alluded to in the report.

56. Mr. EL-SHAFEI said that the report was extremely full and frank but did not provide sufficient detail on the status of the Covenant in Bolivian law. He would also appreciate further information on the post of Ombudsman which had been instituted as part of the measures to establish human rights machinery in Bolivia.

57. The State party should provide fuller information about the situation of the Guaraní people and the measures taken by the Government to alleviate their plight. The report mentioned a bill on domestic and family violence without indicating whether it had passed into law or what provisions it contained to address the issue of domestic violence. He would be grateful for more information on any other measures that had been taken to deal with that problem.

58. The report failed to specify which non-repealable rights under the Covenant could be derogated from during a state of siege; nor did it clarify whether the death penalty had actually been abolished once and for all. The Government should indicate what steps it intended to take to bring the Penal Code into line with the Constitution.

59. The report frankly admitted that torture still occurred in Bolivia. A parliamentary commission had been investigating cases of torture with a view to prosecuting the perpetrators. Paragraph 41 of the report mentioned that the Chamber of Deputies had ordered the prosecution of 28 public officials for violations of human rights, but did not indicate whether or not they had actually been tried and, if so, what sentences they had received. He would be grateful for additional information on how long detainees could be held for interrogation, what mechanism existed for reporting and investigating alleged torture, whether or not evidence obtained by illegal interrogation was inadmissible, what rules and safeguards existed to prohibit the admissibility of such evidence, how "illegal interrogation" was defined, whether or not detainees were examined by doctors and how the authorities ascertained the validity of confessions.

60. Mr. BHAGWATI welcomed the Bolivian Government's efforts to eradicate the legacy of the past, but noted that areas of concern remained. In particular, the reporting State should comment on the mechanism currently in place for giving effect to the Committee's decisions, on communications received under the Optional Protocol. The Government had still not given effect to two such decisions, possibly because it lacked an effective mechanism for doing so.

61. With regard to freedom of conscience, the State party should comment on the absence of provisions exempting conscientious objectors from military service and on why such individuals had not been offered alternative forms of service.

62. Non-governmental organizations had alleged the presence in Bolivia of large numbers of personnel from the United States Drug Enforcement Agency. It had also been alleged that such personnel were implicated in cases of torture. The State party should provide details of any such allegations and, if they had been found to be true, indicate what efforts it had made to bring the matter to the attention of the United States Government. Resistance by peasants to the forcible eradication of the coca crop was also a matter of concern, since the attendance violence had given rise to numerous human rights violations.

63. The Committee would appreciate clarification as to whether Bolivia had actually ratified the second Optional Protocol to the Covenant and whether the post of Ombudsman had been filled.

64. He noted that a large number of people had been arrested without a warrant prior to the declaration of the state of siege, in violation of article 9, paragraph 1, of the Covenant. In that regard, he asked whether the Bolivian Government had informed other States parties of its actions, through the intermediary of the Secretary-General, as required by article 4, paragraph 3, of the Covenant.

65. He was concerned that article 276 of the Bolivian Penal Code appeared to tolerate acts of domestic violence. The State party should indicate whether that provision had been deleted or amended and what mechanisms existed under the new Domestic Violence Act for bringing such acts to light.

66. Mr. KRETZMER said that the report provided scant information on the extent to which Bolivia was complying with articles 6 and 9 of the Covenant. In addition, the Bolivian delegation's explanation regarding the use of weapons by the police was far too general. He would welcome additional information on the regulations governing the use of firearms by the police and security forces, as well as information on current mechanisms for investigating complaints about police conduct. Information from non-governmental organizations seemed to indicate that members of the police and security forces operated with total impunity.

67. Regarding prison conditions, he pressed the Bolivian delegation for more details on overcrowding and the denial of daily subsistence.

68. Mr. KLEIN asked for further information on the so-called security houses or clandestine detention areas used for interrogation and torture. In view of the unconstitutionality of parts of Act No. 1008 and its incompatibility with the Covenant, he failed to understand why the Bolivian Government had not simply repealed or amended it.

69. In order to address the discrepancy between the de jure and the de facto situation in Bolivia, the Government should work with non-governmental organizations active in the field of human rights. In that connection, it would be useful to learn what kind of a dialogue had taken place between the Bolivian Government and human rights organizations and whether the observations of non-governmental organizations were freely available and widely circulated in Bolivia. The Committee had also been given to understand that there was a widespread reluctance to prosecute police officers in Bolivia. The reporting State should comment on that allegation and provide evidence of any steps which it was taking to deal with the problem.

70. Noting that article 12 of the Bolivian Constitution provided for the removal of public officials, the Committee would be interested to know precisely how many officials had been removed from office. In relation to the rights of minorities, the State party should indicate the extent to which the right to use a minority language was guaranteed and whether ethnic groups could use their own language before State institutions, particularly the courts.

71. Mr. BUERGENTHAL observed that operations involving the Special Anti-Narcotics Force appeared to give rise to a considerable number of human rights abuses. The Committee would like to know which organ of State had

jurisdiction over the narcotics police and what human rights training, if any, was given to narcotics officers. In addition, the reporting State should clarify whether any police or security officials had been tried and convicted for human rights violations, supporting its answer with specific examples, if possible.

72. He noted that the coca eradication programme had been a source of considerable violence, leading to human rights violations, and wondered whether the Bolivian authorities had made provision for any government human rights observers in the field. With reference to the state of siege, it was unclear whether the Constitutional Court or any other court was able to interpret the meaning of the phrase "in cases of grave danger caused by internal disorder" contained in article 111 of the Constitution. It was unclear how disturbances instigated by teachers could be construed as a grave danger. Specifically, the Committee wished to know whether there was a mechanism for challenging the legality of states of siege and what happened to individuals who were detained under a state of siege and subsequently challenged the legitimacy of their detention.

73. Ms. GAITAN DE PLOMBO asked for clarification of the exact jurisdiction of the military penal system and whether that system included a category of crimes against humanity. She noted that some officials involved in human rights abuses had been removed from office, while others had simply been transferred, setting a very poor precedent in terms of impunity. Finally, the reporting State should outline what special measures it intended to take to guarantee the safety of individuals whose job it was to protect human rights.

The meeting rose at 1.05 p.m.